

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY P. DIPAOLO and
KATHLEEN J. DIPAOLO, husband and
wife,

Plaintiffs,

v.

BLACK AND DECKER (US) INC., et
al.,

Defendants.

CIVIL ACTION

No. 07-4314

ORDER

AND NOW, this 15th day of December, 2009, for the reasons stated in the accompanying opinion, it is hereby **ORDERED** as follows:

(1) Defendants' Motion in Limine to Preclude Plaintiffs' Expert Fredric M. Blum from Testifying (docket no. 22) to certain conclusions is **GRANTED**. Blum may not testify at trial either that (a) the workpiece DiPaolo was using at the time of the accident was bowed, or (b) a bowed workpiece caused DiPaolo's accident; and

(2) Defendants' Motion for Summary Judgment (docket no. 21) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted as to Counts II, III, V, and VI of the complaint insofar as those counts rely on the theory that the manual for the miter saw at issue provides inadequate instructions concerning the cutting of bowed wood. The motion is otherwise denied.

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.